

**Indian Child Welfare Act (ICWA) Workgroup
Meeting Minutes ~ September 19, 2008
California Department of Social Services
744 P Street, Room 1054, Sacramento, CA**

WELCOME, OPENING REMARKS AND INTRODUCTIONS

Liz Elgin DeRouen chaired the meeting in the absence of Percy Tejada and Theresa Sam.

There were five (5) additions to the agenda:

- Data collection regarding ICWA – inserting dialogue from tribes
- Recruitment and retention for Indian foster families
- Update on MOU: Sacramento County and Place Tribal TANF
- Title IV-E funding legislative update
- Creation of master list/calendar to keep workgroup posted and up to date

UPDATE ON STATE PROGRAM IMPROVEMENT PLAN

Information was presented by CDSS' Outcomes and Accountability Bureau Staff. The CFSR review process and background was explained. Statewide assessment was conducted December 2007, onsite reviews occurred in February 2008. Sixty-five case reviews were conducted with corresponding interviews with various stakeholders. Federal report is derived from those reviews. The Program Improvement Plan (PIP) addresses the findings from that review. All documents and reports are available online. The PIP was submitted in draft form to Region IX September 8, 2008, negotiations with the Administration for Children and Families will ensue. It is anticipated that the PIP will be finalized by December 2008 and implemented in January 2009. The format of the PIP itself has been changed to identify broad strategies and outcome steps. The state did not pass any outcome areas, however, did pass two systemic areas. Fiscal penalties can result from not meeting PIP goals. Information is available on the CDSS website at: <http://www.childsworld.ca.gov/pdf/PIP.pdf>. Handouts were reviewed which delineate the PIP strategies and action steps.

CDSS will be forming a state level Caregiver Advisory Group (CAG) including youth to develop a statewide agenda for recruitment, training, support and retention. Any tribal reps interested in participating on this CAG, contact Karen Gunderson (karen.gunderson@dss.ca.gov).

TRIBAL CAUCUS ISSUES

Data Collection for ICWA: There was again discussion regarding discrepancies in data regarding Indian children in the CWS/CMS system. Tribal reps interested in the exploration of information systems for collecting data utilizing various governmental and tribal resources as well as the criteria used in data collection were invited by Kimberly Cluff to form a group that will explore these issues.

Morning tribal caucus participants discussed getting input from all tribes and tribal organizations about what data needs to be collected regarding ICWA issues. Better data collection will positively impact funding.

Morning state/county meeting participants also discussed data issues and what changes could be made to CWS/CMS via a system change request (SCR) to improve data collection/quality of data. There was discussion about how data reports are derived. Discussed needs of tribes and the state for correct numbers and the barriers to that. Information was given to Dorinda Wiseman about what would be wanted in the SCR. Tribes want to be involved in the process of how and what questions are asked. Tribes expressed concern that the federal and state governments rely heavily on data collected from CWS/CMS. However, the data—particularly for Indian children—is skewed and inaccurate. Tribes would like to be allowed to provide input to correct the data. CDSS expressed concern that crossing data (state/county/tribes) would be difficult, but recommendations for changes can be made. Tribal Caucus has this as a standing issue in their morning sessions.

Recruitment/Retention for Indian Foster Families: This is also a standing item for the Tribal Caucus. Some tribes are hosting resource family fairs for recruitment of tribal foster families. The hope is that tribes develop tribal homes so that homes throughout the state can be identified, and contact can occur between counties and tribal entities to access tribally approved homes throughout the state. Tribes discussed obstacles with specific counties resistant to using tribally approved homes under the erroneous assumption that tribally approved homes are only applicable when there is a Title IV-E agreement in place. CDSS reported that their All County Information Notice (ACIN) on tribally approved homes is still under review, but will hopefully be coming out soon.

Update on ICWA MOU Between Sacramento County and Placer Tribal TANF: Placer Tribal TANF signed an MOU with Sacramento County on March 20, 2008. The Sacramento County Native American Roundtable has been developed and has proven beneficial in collaborating for training and services for Indian children and families. Sacramento County foster youth were included in a tribal TANF youth camp. CDSS asked to get a copy to share as a model to share with tribes and other counties.

Title IV-E Funding Legislative Update: Tribes requested information/update. Discussed handout regarding the Fostering Connections to Success and Increasing Adoption Act of 2008. H.R. 6893 passed the Senate and has to go to the House of Representatives. CDSS indicated that staff from the Foster Care Audits and Rates Branch can be made available to come to a future meeting. Tribes currently do not have information as to what to tell their prospective resource families in terms of funding (e.g., reimbursements for guardians, kinship care, tribally approved homes, etc.), and what the differences are in terms of reimbursements. Teresa Contreras advised that rates are set by statute and a tribally approved home gets the same rate as a county home. However, there are differences in guardianship and adoption assistance funds, as well as special needs increments, which can differ from county to county. Discussed issues regarding federal vs. non-federal eligibility. It was suggested that letters of support be sent to CWLA.

Creation of Master List or Calendar for Workgroup: Tribes requested that there be a master list or calendar created that would include all state meetings, committee meetings, and any meetings with respect to ICWA. Tribes are requesting access to a calendar for ICWA meetings, the sub-committee meetings, and copies of minutes to generate to tribes who are not present. It was offered that information can be placed on the Soboba website.

UPDATE REGARDING AB 2736 – CUSTOMARY ADOPTIONS

The bill was pulled by the sponsors, partially in light of the state budget deliberations. Decision has not been made whether or not to pursue it in the fall.

REPORT FROM THE ADMINISTRATIVE OFFICE OF THE COURTS

Out-of-state tribes are complaining that they are getting too much information on the forms, particularly the ICWA-030 noticing form. AOC indicates that all information on the ICWA-030 is required by federal law. AOC is helping to design and implement ICWA compliance in the new California Court Management System (CCMS). AOC wants expanded information collected throughout the justice system regarding tribal issues. Information is not collected in such a way that is usable for tribes in trying to get additional funding. If workgroup members have suggestions about how/what information collection would be useful to tribes, let Ann Gilmour know.

AOC is planning regional trainings for probation officers; next one is November 5, 2008 in French Camp. Information will be emailed after the meeting. Experience from the San Francisco Probation training is that probation officers respond well to information about what services and supports are available to wards when ICWA applicability is identified and the tribe is involved in their Juvenile Court/Probation process. Southern Regional is set for January 28, Fresno is on March 25, and Northern Regional will be the end of May or June 2009. Ann Gilmour asked for stories, services, etc. from tribes that AOC can use or speak to at these trainings.

The AOC is working with CDSS on the PIP Strategy/Action Step on training courts on tribal engagement. Would like workgroup input on content. It was brought up that Lake, Solano, and Marin County Courts all need training with respect to Probate Court/legal guardianship cases that are active at this time.

STATE UPDATE

ACIN: Already mentioned above.

Training Sub-committee: ICWA 101 and 102 re-writes are completed and will be sent out to the Regional Training Academies (RTAs). There will be follow up on the RTAs by the Training Committee to provide information on how to conduct the training.

ICWA Expert Witness Sub-committee: This is on hold until January 2009 as the state's ICWA Specialist position is vacant at this time.

Permanency for Indian Children and Youth Sub-committee: We want to reconvene this workgroup to look at issues regarding relative placement, recruitment/retention of Indian foster homes, and concurrent planning. However, we will not reconvene until January 2009. Think about what more is needed.

Native American Day: This event will be held on Friday, September 26, 2008 at the Capitol.

NEXT MEETING: NOVEMBER 21, 2008

HOSTED BY SANTA ROSA RANCHERIA, LEMOORE, CA

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***** CDSS mentioned that a tribal host for the
2009 State ICWA Conference in Northern California is still needed. *****